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The decision-making process in abortion in the European Union and China from the aspect of human rights

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The most European Union countries have legislation that allows abortion on request, and beyond that, in some special cases, entitles the termination of pregnancy. It is an accepted norm in many countries that there are options for women who might want to resort to this path for a variety of reasons. The termination of pregnancy by socioeconomic or psychological reasons, especially during early pregnancy, is now considered to be highly valid and legitimate for the society as well as for the law. European Union are more democratic and liberal on abortion compared with China. Of course, not all countries in the European Union is liberal in relation to abortion such as Poland in which abortion is allowed only for medical reasons. In China, the main reasons for this lack of contraception and one-child policy. Also, a high percentage of abortions among unmarried women, majority of them do not want to have children without spouse. In Europe, abortion is done for various reasons one of the most popular in recent times is an early pregnancy. Also making abortion base on the woman's request or if this has a medical evidence. In Europe women have right of choice that cannot be said about Chinese women. Talking about right of choice in abortion in general, women should have a choice because it is their life and their future. This paper will analyze the decision-making process in abortion in the European Union and China, compare then and try to find advantages and disadvantages.

Key words: Abortion, China, EU, Poland, decision-making.

Introduction. The abortion mirrors a failure both conceptus to flourish or of a lady to esteem a pregnancy. Behind each instigated premature birth is a large group of social, enthusiastic, and occasionally medicinal issues, yet when performed unlawfully and confused by drain, injury, and disease, actuated abortion turns into a noteworthy general medical issue. Numerous administrations in Europe, Asia, and the United States have reacted to changes in general assessment by correcting the law, allowing premature births inside characterized limits. By specific and sensible utilize, legitimately incited fetus removal can make a noteworthy commitment toward enhancing maternal wellbeing. Uncontrolled fruitfulness is a genuine purpose of mortality and horribleness, especially in the nations of Latin America and Asia. In less prosperous nations, healthful weakness, irresistible malady, and the absence of gifted restorative care add to the risks of high equality. [2, pp. 121–137]. Nevertheless, although the reasons for abortion was produced there are many risks of complications for women which can sometimes even lead to death. To avoid this as much as possible, the one remarkable point is to take care of the health of women trying to release qualified doctors a high level and use good equipment as possible for the necessary operations. The states make different decisions about abortion sometimes even against the wishes of women. To review government decisions regarding abortion the examples will be taken as an example country of the European Union as a democratic union

and China where abortion is frequent occurrence. [9, pp. 233–243]. Also, we should to answer on some questions: What are the reasons to have an abortion? Why does the state make to abortion in some cases? Should women have the right to vote or not? States are doing it out of necessity, or they have a choice? This paper will analyze the decision-making process in abortion in the European Union and China, compare then and try to find advantages and disadvantages.

1. The problem is rising number of abolition in the world.

2. The object – The abolition in EU and China.

3. The goal – to analyze reasons for abolition and the role of state.

4. The tasks – a) to evaluate decision-making process in abortion, b) to research abortion in China and EU, c) to investigate forced abortions.

5. Research Methodology – The methodology of this paper is the qualitative analyses.

Decision-making process in abortion in the EU

The decision-making process has the following steps: 1. Formulation of the problem 2. Identify of problems and identifying alternatives. 3. Decision-making. 4. Implementation of solutions. 5. Evaluation of the results of the public solutions [11].

Firstly, formulation of the problem. Before starting to analyze this problem should determine its identification of priority social issues and their inclusion in the official agenda of the public policy of the state bodies.

The second is identifying problems and classifying alternatives. In this step politics analyses of the problem situation, including the establishment of goals, means and options to solve it. There is also the collection of information, clarification of the criteria of efficiency solutions options, definition of performers.

The third step is decision-making. In this step developed alternative solutions, given their evaluation and selected the alternative with the most favorable overall impacts.

During the fourth step is a realization of solutions by governments and the parallel monitoring of the progress of its implementation by the central decision-making. And the last step is evaluation of the results of the public solutions. Here come assessment outcomes, results and consequences of execution of the decision from the point of view of the objectives and evaluation of used funds. The results of the implementation of the decisions do not always correspond to the original plans, and the decision itself is in the process of implementation can alter. Decision-making is necessary process which depend often the fate of people. Therefore, it is very important to make the right choice, that citizens' rights are not infringed, and all the people will leave satisfied [8].

Abortions in the EU

The remarkable number of people in Central and Eastern Europe lack of access to quality family planning services and contraception, which can lead to unwanted pregnancies and as a result to abortion. Policies that encourage abortion, led to the fact that Europe is ranked first in the world in the number of abortions. Due to the quality of medical services are not high sometimes, this led to an increase in morbidity and mortality associated with the production of legal abortions, to unacceptably high levels. Quality of medicine should be high and it is should be legal in countries. The one if the most popular drug for abortion is call "Mifepristone". This drug is approved for use in the European Union. The drug can only be obtained if it does not contradict the legislation of the European Union. The allowance of the drug to be used depends on the policies related to abortion. For example, the Ministry of Health in Germany provides more control over the process and the spread of the drug and it ensures that the drug has been delivered personally to each doctor. This control system is different from the control systems in other EU countries [13, pp. 15–19]. Some governments in the EU have stubbornly refuse to authorize the practice of manufacture of medical abortion in their own countries. For example, in Latvia the use of this drug is allowed in the country regarding Lithuania, here there are a lot of negative opinions from officials which led to the banning of the drug in the country. The abortion procedure is controlled by the laws of the countries. But there are some problems associated with the fact that some of the concepts in the legislation may impede the provision of services

for abortion by drugs. This is because some legal concepts were created before the advent of abortions by medical products [3, pp. 7–10].

Some countries have questioned the existence of abortion in general and Sweden plays a big role in it. Swedish Parliament believes that abortion should be prohibited even if it is a consequence of rape or incest. Many parties and organizations opposed and held discussions in response to the ban on abortion withered Swedish Parliament. But eventually abortion now completely resolved in this country. This decision can be considered correct because every woman should have the right to voice and freedom of choice [1, pp. 58–70].

Abortion in Poland

But not all EU countries have a complete freedom of choice of women about abortion. Politics are in the field of health care in favor of limiting access to abortion. They advocate the restriction to increase the birth level, because liberal approach of the EU countries to abortion has significantly reduced the birth rate. For example, Poland is one of the few countries in the European Union which tightened the rules on abortion after many years of full resolution. In the past, the laws on abortion in Poland changed many times [5, pp. 32–36]. First, in the 1930s, abortion was fully resolved. Later interpretation of the amendment to the law has changed from the ban in the late 1950s to permit abortion on demand during the 1960s and 1970s. After the fall of the communist regime started the debate about abortion. The church tried to ban on its use while the Left bloc policy and the Liberals were trying to achieve its application. The laws on abortion that exists nowadays currently entered into force in 1993. Terms of abortion are in the following three paragraphs: 1. If the life or health of the woman is at risk due to the continuation of pregnancy. 2. If the pregnancy is the result of a criminal act. 3. If the fetus has serious defects. To perform an abortion in accordance with the criteria of number 1 and 3 require physician authorization abortion in connection with the criterion of number 2 requires the permission of the prosecutor [12]. So, we can see that abortion can only be made according to the criteria listed above, we also can see that approach to abortion in this country less liberal than in other EU countries where women are free to make a choice is not based only on medical indications. The debate is about abortion continue to exist now and these debates are an integral part of Polish politics. Basically, it is the differences and contradictions between the left block which advocates the use of abortion and the right block which stands for its prohibition. Based on these disputes was conducted a survey among the population which revealed the following: 48% of the population is opposed to abortion and 47% in favor of the possibility for women to make a choice [16, pp. 689–704]. The indicators for and against almost identical but nevertheless people

who are opposed to this procedure is turned out to be more than 1%. For comparison, surveys among the population were also carried out in other countries and as a result Poland was the only country in the EU where the number of people who oppose abortions was higher than those who favored. The percentage of those who are opposed to abortion has increased to 76%, mainly Poles aged 15 to 24 years. All in all, Polish Sejm passed the bill on a total ban of abortion in the country in September 23, 2016. But later in this year October 5th commission of the Sejm has decided to vote on a question about the abandonment of the project and as a result Sejm has decided to reject the draft. Thus, we can see that Poland is still trying to stick as much as possible of the liberal approach to abortion as all the same it is a member country of the European Union, Union, which is considered to be democratic. But in general Poland compared with other EU countries, has strict requirements on abortion [12].

Women with HIV

In politics, the very important issue is the question of HIV, because a lot of pregnant women suffer from this disease and then make a decision about abortion is becoming more difficult. International policy on abortion ruled where it was said that women affected by HIV should not be forced to have an abortion [6, pp. 46–66].

Talking about abortion should be remembered about the legal regulations, which play an important role in the regulation of this process. It is worth to start talking about the outdated legal standards. One such rule is prior consultation and talk to doctor before giving a direction for abortion. For example, this law is abolished a few years ago in France, but in some cases, it continues to function. What according to the Netherlands and Austria, the conversation with the doctor applies to all doctors and it is not a limitation while the procedure for consultation in Germany is subject to restrictions. Expectant pause between consultation and abortion in which a woman can change her mind also consider being outdated legal norm. Fortunately, the duration of the probationary period in the EU reaches a maximum of a week so the law to hold a pause can function. However, the laws mentioned above show us that in general should adjust on the right to abortion that women had the freedom to choose [4, pp. 927–935].

Decision-making process in abortion in China

After completing analysis of the EU should start to analyze the decision-making process in China. What are the origins of abortion? The first what we can mentioned is a law passed by the state “One family, one child”. Birth control policy is very important because of there is a huge number of abortions. According to statistics of the Chinese authorities it is about 13 million abortions a year. Abortions that are registered withdrawn China on the first place in the

world on this indicator. It is believed that the authorities are not informed about the forced abortion, this statistic is closed. According to sources, the annual number exceeds 10 million. According to Chinese statistics, the country has 62% of women aged 20 to 29 years old do abortion. For comparison, this figure is 5.1% in the most democratic country of the western Netherlands. The largest percentage in abortion does unmarried women. However, analysts also argue that China is gradually increasing the age of marriage, therefore increasing the number of unmarried women who have abortions. Most men 20–40 years by 2020 will face the problem of the inability to find a spouse and to create a full family. The main reason for this is the increasing number of abortions based on gender. Gender inequality is a very serious demographic problem for the country. Many researchers have expressed different views on this issue. For example, a researcher Wang Guangzhou concluded that such an imbalance that can lead to an increase in the age difference between the spouses and to the inability to find a spouse for people with low incomes. This imbalance will create a sharp increase in the number of illegal marriages and forced prostitution. Number of birth is greatly increased so that the Chinese authorities expect that by the mid-2030s their number should reach 1.46 billion people [7, pp. 34–55].

What are other origins of this problem? The biggest reason is misinformed in relation to protection. Many families in China is considered a shameful fact of using any contraception. A large percentage of the population does not know about the possibility of sexually transmitted diseases. There is a “hot line” in Shanghai and 70% callers do not know that HIV is transmitted sexually only 17% had heard about the risk of contracting a sexually transmitted disease and around 30% of callers are familiar with methods of protection against pregnancy because of this ignorance is the cause of unwanted pregnancies. In China, it is believed that having a girl is not a guarantee of success. Although according to the birth control policy is possible for a second child cannot pay the tax only if the first child is female [15, pp. 316–339].

The forced abortions

Given the high percentage of abortions in China, it is necessary to think about the rights of women in this country. “Ministerial posts held by women it is about 9% and 21% of the seats in parliament. Chinese law states that women should occupy at least 50% of government positions at the national, provincial and city level” [10]. But the presence of women on such positions does not help to reduce abortion rates. The Criminal Code of China does not have a point where they say that abortion is carried out with the consent of the woman is an offence. Basically, abortions are carried out in the early months of pregnancy and China’s government allows abortions up to 6 months of pregnancy. Nevertheless, there are cases of forced

abortion and later stages. There are regions which use forced abortions. In these regions, women regularly should be checked by a doctor for pregnancy. And if they are pregnant, they should do an abortion. Such abortions are not legal, but they are not punished by the legislation referred above. There were even cases when due to renouncement of a woman to have an abortion houses were demolished, and land was selected. To terminate a pregnancy in the later stages in the stomach give injections which kills the fetus. This procedure is carried out even in the nine months of pregnancy. If it turns out that the child is born alive, then administered one injection, which leads to the death of the infant. Forced abortions have been implemented with the one-child policy. In the city of Linya authorities to control the birth rate they invaded in houses where the family lived with two children to undergo sterilizations and forced a woman to have an abortion [7, pp. 34–55].

Conclusion. In summary we can compare the situation according to abortion in the EU countries and in China. We see that China and countries in the European Union differ from each other in abortion. European Union is more democratic and liberal on abortion compared with China. Of course, not all countries in the European Union are liberal in relation to abortion such as Poland in which abortion is allowed only for medical reasons. But there is no country that is forced to have an abortion to women putting their lives and health under risk. Policy of the European Union to a greater degree aims to provide choice for women and the person with HIV. In this case policy of China is different from the policy of the EU because women are violated in the choice on abortion. The Chinese government has made a small step towards democracy on abortion when abolished the law “one family, one child”.

In China, the main reasons for this lack of contraception and one-child policy. Also, a high percentage of abortions among unmarried women, majority of them do not want to have children without spouse. In Europe, abortion is done for various reasons one of the most popular in recent times is an early pregnancy. Also making abortion base on the woman's request or if this has a medical evidence. In Europe women have right of choice that cannot be said about Chinese women. Talking about right of choice in abortion in general, women should have a choice because it is their life and their future. Normally government is agreeable to abortion in view of the gigantic measure of the populace like in China. Also, it is hard to blame limitation policy of China. It can seem to be violation of Women's Human Rights; however, the better argument is not seen.

Also, it is hard to answer does government have a decision or not. Heads of government can't think like normal individuals they should consider likewise about the administration and the likelihood about how they will give instruction, home and work put

for individuals if the populace is enormous. Close to it they additionally should consider the wellbeing of women, of pregnant ladies and individuals all in all. That is the reason it is hard to answer do they have a decision or not. They have a decision; however, this decision is considerably more profound than common individuals might suspect.

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Процедура прийняття рішення щодо штучного переривання вагітності в Європейському Союзі та Китаї з точки зору прав людини

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У більшості країн Європейського Союзу є законодавство, яке дає змогу проводити аборт за проханням та в деяких особливих випадках дає право на припинення вагітності за його межами. В багатьох країнах прийнятною є норма, що жінки, які, можливо, хочуть вдатися до цього шляху з різних причин, мають право вибору. Припинення вагітності через соціально-економічні або психологічні причини, особливо на ранніх термінах вагітності, вважається доволі обґрунтованим і легалізованим рішенням як для суспільства, так і для закону. Європейський Союз є більш демократичним і ліберальним щодо питання проведення абортів порівняно з Китаєм. Звичайно, не всі країни Європейського Союзу підтримують це рішення, наприклад, у Польщі аборт дозволений лише з медичних причин. У Китаї основними причинами абортів є недостатня кількість контрацепції та «політика однієї дитини». Крім того, високий відсоток проведення абортів саме серед незаміжніх жінок, більшість із них не хочуть мати дітей без чоловіка. В Європі вагітність переривають із різних причин, але останнім часом однією з найбільш поширених є рання вагітність. Також основою для штучного припинення вагітності є бажання жінки або медичний висновок. В Європі жінки мають право вибору, що не можна сказати про китайських жінок. Говорячи про право на аборт загалом жінки повинні мати вибір, оскільки це їх життя та майбутнє. Ця стаття аналізує процес прийняття рішень щодо абортів в Європейському Союзі та Китаї, порівнює їх та виявляє переваги та недоліки.

Ключові слова: аборт, Китай, ЄС, Польща, прийняття рішення.